

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN FRANKLIN MIKLUSICAK,

Petitioner,

Case No. 1:06-cv-850

v

HON. JANET T. NEFF

KENNETH MCKEE,

Respondent.

ORDER APPROVING MAGISTRATE'S REPORT AND RECOMMENDATION

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court deny the petition. The Report and Recommendation was duly served on the parties. No objections have been filed, see 28 U.S.C. § 636(b)(1), and the Court issues this Judgment pursuant to FED. R. Civ. P. 58.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt 20) is APPROVED and ADOPTED as the opinion of the Court and the petition for habeas corpus relief (Dkt 1) is DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is DENIED as to each issue asserted. Petitioner has not demonstrated that reasonable jurists would find the Court's rulings debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001).

Date: November 25, 2009

/s/Janet T. Neff

JANET T. NEFF

United States District Judge